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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement* submitted by the American Association of Jurists, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 December 1999]

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* This written statement is issued, unedited, as received from the submitting non-governmental organization.

I. The United States of America is not party to a good many current international human rights agreements, among them the International Covenant on Economic, Social and Cultural Rights; the two Protocols to the International Covenant on Civil and Political Rights; the International Convention on the Suppression and Punishment of the Crime of *Apartheid*; the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; the Convention relating to the Status of Refugees; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the 1997 Ottawa Convention banning anti-personnel mines.

It did not vote for the establishment of an international criminal court although its nationals would be guaranteed impunity since the workings of the court would largely be subordinate to decisions of the Security Council.

Of more than 170 International Labour Organisation Conventions, the United States has acceded to only 12 and is not party to the main ones, including No. 87 on trade union freedom, No. 98 on the right to collective bargaining and No. 138 on the minimum age (child labour).

When it ratified the International Covenant on Civil and Political Rights it entered reservations to numerous articles, including article 6.5 prohibiting the application of the death penalty for crimes committed by persons below 18 years of age and, invoking freedom of expression, article 20 which prohibits propaganda for war and advocacy of national, racial or religious hatred. It is one of only two countries in the world (the other is Somalia) not to ratified the Convention on the Rights of the Child.

II. The United States of America does not consider itself to be bound by decisions of the International Court of Justice concerning it. Paraguayan citizen Angel Francisco Breard was executed there on 14 April 1998 although in a ruling dated 9 April the International Court of Justice had notified the United States that it should take all measures at its disposal to ensure that Breard would not be executed pending a final decision on the case by the Court. A similar case involved the German citizen Walter LaGrand.[1]

III. In 1994, James Grant, then Executive Director of UNICEF, introducing *The Progress of Nations 1994* at a press conference, said that the situation of children in United States of America was the worst in the entire industrialized world. Twenty per cent of American children live below the poverty line, while in other industrialized countries the proportion ranges between roughly 5 per cent in Western Europe and 10 per cent in Canada, Australia and the United Kingdom. It is also estimated that 3 million children a year in the United States are abandoned, ill-treated or suffer sexual violence, three times as many as in 1980.[2]

In her 1996 report,[3] the Special Rapporteur on the sale of children, child prostitution and child pornography quoted a report from the US Department of Health and Human Services which estimated that there were up to 300,000 child prostitutes on the streets of the United States. The same figure was quoted from a different source in UNICEF's *The Progress of*

Nations 1995. The Special Rapporteur repeated the figure in her 1997 report[4] on the mission she undertook to the United States in December 1996, adding that 22.7 per cent of American children under 18 lived below the poverty line.

Child labour, although not on the scale of some Third World countries, is widespread in secret and more-or-less secret workshops in New York, Los Angeles and other cities, and is commonplace in the countryside.

Since 1992, almost every state in the United States has passed laws allowing minors to be put on trial as adults. Several states have set 10 as the cut-off age, and Michigan has no limit at all. Over the past ten years, 12 people have been executed for crimes committed when they were minors. Another 70 or so who committed crimes while they were minors are in prison awaiting execution.[5]

IV. In late September 1999, with its seventy-sixth execution, United States broke its yearly execution "record", bringing to 576 the number of executions carried out since the death penalty was restored in 1976. Texas heads the list with 188 executions, 24 of them between January and September 1999.[6] By mid-December 1999 the year's executions numbered approximately 100, 32 of them in Texas alone.[7]

On 17 November 1999 the European Union withdrew from an initiative in the General Assembly supported by 72 countries calling for a moratorium on executions because of strong opposition from the United States and China.

V. The United States has 2 million people in prison (twice as many as ten years ago), giving it the largest prison population in the world in proportion to its total inhabitants. Private prisons (120, with 120,000 detainees) are doing excellent business at the expense of the rights, health and safety of those incarcerated within them.

To save money on prison construction, the Correction Corporation of America (CCA) is building prisons without watch towers; this also reduces the need for prison staff, who do not have to be assigned to the non-existent towers. Prisoner labour is used during construction. Another means of reducing costs is to reduce the quantity and quality of the food served and the medical care given to prisoners.

Treatment in prison is brutal, both in city prisons and on "work farms", real forced labour camps, such as the one in Silverdale, Tennessee, operated by CCA. In Texas, Arkansas and Louisiana prisoners are forced to work in the fields without payment. Sexual abuse of female detainees is commonplace.

It is common practice for prisoners to work for private companies for gross wages of around 5 dollars per hour (or about 2 dollars net, since deductions can amount to 80 per cent of wages), and large, well-known corporations do well out of the fact.[8]

The 13th amendment to the Constitution virtually admits as much, stating that neither slavery nor involuntary servitude shall exist within the United States "except as a punishment for crime whereof the party shall have been duly convicted".

VI. When it comes to suppressing social movements, the methods employed range from killings, as occurred with the "black panthers", to rigged trials such as that of Leonardo Peltier, who was sentenced to a long term of imprisonment, and Mumia Abu Jamal, who was condemned to death.

VII. Illegal immigrants against whom expulsion orders cannot be executed are kept in detention centres or prisons without any rights and in deplorable conditions, and can remain there indefinitely. Some 13,000 people are estimated to be in this kind of situation.[9] The Supreme Court has upheld a decision by the Court of Appeal affirming that such internees have no constitutional rights since they are not actually in the United States but are simply being held under the authority of the Immigration and Naturalization Service (INS).

VIII. Despite the existence of an international convention (to which the United States is not party) against the recruitment, use, financing and training of mercenaries, and despite the concern expressed by the General Assembly (Third Committee resolution dated 5 November 1998) about the use of mercenaries to violate human rights, the United States of America makes extensive use of mercenaries both domestically and on so-called peacekeeping missions in Croatia, Bosnia-Herzegovina and Kosovo.[10]

IX. The United States of America has officially acknowledged that experiments involving radioactive materials have been carried out on mental patients, pregnant women and ordinary citizens; it has also officially acknowledged that 400 black people were used for years as guinea pigs in medical experiments (anti-syphilis treatment was withheld so that the disease could be studied).

X. As for the social repercussions of America's "astonishing economic dynamism" (its domestic and foreign debts are sky-rocketing), one need do no more than quote John Sweeney, the President of AFL-CIO: "... these past few years in the United States, production has been up, and so have CEOs' earnings, but the workers haven't seen any effects on their payslips".[11]

Notes

[1] ICJ, case concerning the Vienna Convention on Consular Relations (Paraguay v. United States of America), Order dated 9 April 1998, and ICJ, LaGrand case (Germany v. United States of America), Order dated 3 March 1999 and press communique 99/9 bis dated 5 March 1999.

[2] UNICEF, *The Progress of Nations 1994*.

[3] E/CN.4/1996/100, para. 35.

[4] E/CN.4/1997/95/Add.2.

[5] *Le Monde*, Paris, 14 November 1999, p.4 and *El Pais*, Madrid, 22 November 1999, p.35.

[6] Death Penalty Information Center (DPIC), Washington, September 1999.

[7] *El Pais*, Madrid, 10 December 1999, p.9.

[8] Daniel Burton-Rose, *The Celling of America, an inside look at the US prison industry* (Part IV), (Monroe (Maine) Common Courage Press, 1998). See also Christian Parenti, *Lockdown America, Police and Prisons in the Age of Crisis*, (Verso, London/New York, 1999).

[9] Human Rights Watch, E/CN.4/1998/NGO/50, para. 12. See also a note by Sylvie Kauffmann on the situation of illegal immigrants interned in the United States in *Le Monde*, Paris, 21 December 1999, p. 4.

[10] Report of the Special Rapporteur on mercenaries, E/CN.4/1999/11, para. 73. See also *El Pais*, Madrid, 12 November 1998. For other aspects of the human rights situation in the United States, see reports E/CN.4/1995/78/Add.1, E/CN.4/1999/68/Add.2 and E/CN.4/1999/58/Add.1 by the Special Rapporteurs on racial discrimination, extrajudicial executirions, violence against women, religious intolerance and torture.

[11] *Le Monde*, Paris, 2 December 1999, p.2.